

RESOLUTION NO. 16-_____

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
HUNTSVILLE, ALABAMA:

WHEREAS, JWE PROPERTIES, LLC, is the Owner of the lands abutting a right-of-way lying within the City of Huntsville, Alabama, which said right-of-way is described as follows, to-wit:

SEE ATTACHED EXHIBIT A

WHEREAS, the abovesaid Owner has executed a Declaration of their intent and desire, attached hereto as Exhibit "B," that right-of-way above described be abandoned by the City of Huntsville; and desires to divest any and all right, title and interest which the public may have in and to said portion of the right-of-way so described, acquired by virtue of the dedication of said right-of-way to the City of Huntsville, Alabama;

WHEREAS, the Owners have represented to the City Council of the City of Huntsville, Alabama, and the City Council, based upon such representation does find:

1. That the retention of said right-of-way will not benefit the City of Huntsville, Alabama; and
2. That convenient and adequate means of ingress and egress is available to all owners of surrounding property, such being afforded by virtue of other streets, easements, avenues and alleys; and
3. That the abutting property owners represent that no owner of property served by the right-of-way being vacated (or of property within the subdivision where the right-of-way lies) objects to the vacation of the right-of-way.

NOW, THEREFORE, BE IT RESOLVED, that the City of Huntsville, Alabama, does hereby declare the above described right-of-way to be abandoned.

ADOPTED, this the 14th day of July, 2016.

President of the City Council
Of the City of Huntsville, Alabama

APPROVED, this the 14th day of July, 2016.

Mayor of the City of Huntsville,
Alabama

STATE OF ALABAMA

COUNTY OF MADISON

DECLARATION OF VACATION OF RIGHT OF WAY

KNOW ALL MEN BY THESE PRESENTS, that the undersigned, JWE PROPERTIES, LLC, desires for the City of Huntsville, in the State of Alabama, to vacate that certain right of way hereinafter described, pursuant to Ala. Code 1975, Section 23-4-20, and says as follows:

1. That JWE Properties, LLC, is the owner of all the land abutting the hereinafter described right of way; and
2. That the retention of said right of way will not benefit the City of Huntsville, Alabama, and the vacation of said right of way will not detrimentally affect the interest of the City of Huntsville or the public; and
3. That the said right of way hereinafter described is situated within the corporate limits of the City of Huntsville and was, upon information and belief, previously conveyed to the City of Huntsville; and
4. That the City of Huntsville will acquire a new right of way upon future development and platting of such property, such that an adequate right of way will be available to the City of Huntsville in place of the hereinafter described right of way; and
5. That said right of way is not needed for any purpose or to serve any other property owners of the City of Huntsville; and
6. That all persons, firms or corporations owning or claiming any interest in the property abutting said right of way have consented to such vacation; and

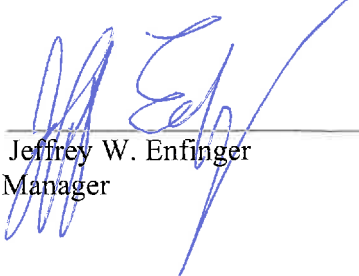
NOW THEREFORE, the undersigned, JWE PROPERTIES, LLC, as the owner of all property abutting the said right of way hereinafter described, does hereby petition and urge that the Huntsville City Council adopt a resolution hereby declaring the right of way vacated and assenting to the vacation of the following described right of way, being described as follows:

SEE ATTACHED EXHIBIT "A"

[SIGNATURES ON FOLLOWING PAGE.]

IN WITNESS WHEREOF, the undersigned owner of all property abutting said right of way hereinabove described has caused this instrument to be executed on this 14th day of June, 2016.

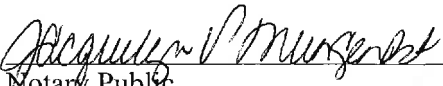
JWE PROPERTIES, LLC,
an Alabama limited liability company

By: 
Jeffrey W. Enfinger
Its: Manager

STATE OF ALABAMA
COUNTY OF MADISON

I, the undersigned Notary Public in and for said County and State, hereby certify that Jeffrey W. Enfinger, whose name as Manager of JWE Properties, LLC, an Alabama limited liability company, is signed to the foregoing declaration and who is known to me, acknowledged before me on this day that, being informed of the contents of the declaration, he, as such manager and with full authority, executed the same voluntarily for and as the act of said company on the day the same bears date.

GIVEN under my hand and official seal this the 14th day of June, 2016.


Notary Public
My commission expires: 6/10/17

This instrument prepared by: Samuel H. Givhan, Wilmer & Lee, P.A., 100 Washington Street, Huntsville, Alabama 35801

Exhibit "A"

STATE OF ALABAMA
MADISON COUNTY

OCTOBER 8, 2015
W.O. #15-278

VACATE A PART OF MCMULLEN ROAD

ALL THAT PART OF SECTIONS 7 AND 8, TOWNSHIP 4 SOUTH, RANGE 2 EAST OF THE HUNTSVILLE MERIDIAN, MADISON COUNTY, ALABAMA, MORE PARTICULARLY DESCRIBED AS BEGINNING AT A POINT LOCATED DUE NORTH 4176.20 FEET AND DUE WEST 3942.85 FEET FROM THE SOUTHEAST CORNER OF SAID SECTION 8;

THENCE FROM THE POINT OF BEGINNING SOUTH 57 DEGREES 57 MINUTES 12 SECONDS WEST, A DISTANCE OF 60.00 FEET TO A POINT ON THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 80.00 FEET;

THENCE ALONG THE ARC OF SAID CURVE A DISTANCE OF 83.01 FEET (CHORD BEARING AND DISTANCE OF NORTH 61 DEGREES 46 MINUTES 21 SECONDS WEST, 79.34 FEET) TO A POINT;

THENCE SOUTH 88 DEGREES 30 MINUTES 06 SECONDS WEST, A DISTANCE OF 248.89 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT HAVING A RADIUS OF 822.69 FEET;

THENCE ALONG THE ARC OF SAID CURVE A DISTANCE OF 483.79 FEET (CHORD BEARING AND DISTANCE OF NORTH 74 DEGREES 39 MINUTES 07 SECONDS 476.84 FEET) TO A POINT;

THENCE NORTH 57 DEGREES 48 MINUTES 20 SECONDS WEST, A DISTANCE OF 520.43 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT HAVING A RADIUS OF 156.16 FEET;

THENCE ALONG THE ARC OF SAID CURVE A DISTANCE OF 154.36 FEET (CHORD BEARING AND DISTANCE OF NORTH 28 DEGREES 56 MINUTES 02 SECONDS WEST, 147.91 FEET) TO A POINT;

THENCE NORTH 00 DEGREES 03 MINUTES 44 SECONDS WEST, A DISTANCE OF 243.15 FEET TO A POINT;

THENCE NORTH 89 DEGREES 56 MINUTES 16 SECONDS EAST, A DISTANCE OF 60.00 FEET TO A POINT;

THENCE SOUTH 00 DEGREES 03 MINUTES 44 SECONDS EAST, A DISTANCE OF 243.15 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT HAVING A RADIUS OF 93.16 FEET;

THENCE ALONG THE ARC OF SAID CURVE A DISTANCE OF 93.89 FEET (CHORD BEARING AND DISTANCE OF SOUTH 28 DEGREES 56 MINUTES 02 SECONDS EAST, 89.97 FEET) TO A POINT;

THENCE SOUTH 57 DEGREES 48 MINUTES 20 SECONDS EAST, A DISTANCE OF 520.43 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT HAVING A RADIUS OF 762.69 FEET;

THENCE ALONG THE ARC OF SAID CURVE A DISTANCE OF 448.50 FEET (CHORD BEARING AND DISTANCE OF SOUTH 74 DEGREES 39 MINUTES 07 SECONDS EAST, 442.07 FEET) TO A POINT;

THENCE NORTH 88 DEGREES 30 MINUTES 06 SECONDS EAST, A DISTANCE OF 248.89 FEET TO A POINT;

THENCE ALONG THE ARC OF SAID CURVE A DISTANCE OF 145.27 FEET (CHORD BEARING AND DISTANCE OF SOUTH 61 DEGREES 46 MINUTES 21 SECONDS EAST, 138.84 FEET) TO THE POINT OF BEGINNING AND CONTAINING 2.36 ACRES MORE OR LESS.